

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN DOE,
Plaintiff

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§
§

V.

§ No. 5:22-cv-01359

University of Texas at San Antonio
Defendant

§ *Jury Trial Requested*

FIRST AMENDED COMPLAINT

1. This action for Retaliation arises under Title VII of the Civil Rights Act of 1964 and Whistleblower Protection Act of 1989, 5 U.S.C. § 2302(b)(8)-(9). Jurisdiction is conferred by Title 42 of the United States Code, section 2000e-5(f), et seq.
2. This action for civil rights violations arises under the Due Process Clause – U.S. Const. Amend. XIV, § 1 and the Equal Protection Clause – U.S. Const. Amend. XIV, § 1. Jurisdiction is conferred by Title 28 U.S.C. Section 1331.
3. This action for Discrimination arises under Title VII of the Civil Rights Act of 1964. Jurisdiction is conferred by Title 42 of the United States Code, section 2000e-5 and Title 28 U.S.C. Section 1331
4. This action for Discrimination arises under Title 42 of the United States Code, section 1981. Jurisdiction is conferred by Title 28 U.S.C. Section 1331.
5. This action for Discrimination arises under Title VI of the Civil Rights Act of 1964. Jurisdiction is conferred by 42 U.S.C. 2000d et seq. and Title 28 U.S.C. Section 1331.
6. This Texas state action for Breach of Contract arises under the Texas Common Law. Supplemental Jurisdiction is conferred by 28 U.S.C. Section 1367.

7. Venue is proper in this district under 28 section 1391 because a substantial part of the events or omissions giving rise to all claims occurred in this district.

Parties

8. John Doe was an international student from Taiwan and a Permanent Resident of the United States.

9. Defendant University of Texas at San Antonio (herein referred to as “UTSA”) is a state entity, whose principal place of business is located at 1 UTSA Circle, San Antonio, TX 78249.

Facts

10. UTSA employs 6,500 employees. UTSA receives millions of dollars in federal funding.

11. Plaintiff joined one of UTSA’s graduate programs as an employee/student with full 4 years scholarship offer in 2019.

12. Additionally, Plaintiff became employed by UTSA approximately near or around this time.

13. Plaintiff suffered discriminatory, oppressive treatment as an employee of Defendant and as a student of Defendant. Plaintiff informed superiors at UTSA of wrong doing by other UTSA faculty.

14. Furthermore, Plaintiff was requested to do illegal activities in regards to obtaining and disseminating confidential information that was to be kept confidential and in the exclusive possession of the current possessors of that information.

15. During Plaintiff’s tenure with Defendant, Plaintiff filed his initial charge of discrimination in 2019, 20, or 21.

15. Defendant retaliated by denying Plaintiff’s degree, threatening for deportation, and terminating him from employment.

- 16.** Plaintiff suffered injury as a result of Defendant's conduct.
- 17.** Defendant discriminated against Plaintiff's nationality. Plaintiff is of Asian Taiwanese descent. He is a member of a protected class.
- 28.** Plaintiff was the only student and employee of Asian Taiwanese descent who was terminated and punished in other ways for refusing to carry out illegal activity.
- 30.** Plaintiff filed his charge of discrimination timely and files this action within the window proscribed under The Right to Sue Letter Plaintiff received from the Equal Employment Opportunity Commission.

Causes of Action

Count I. Violation of Due Process and Equal Protection Clause – U.S. Const. Amend. XIV

Count II. Violation of Title VII of the Civil Rights Act of 1964

Count III. Violation of Title 42 of the United States Code, section 1981

Count IV. Violation of Title VI of the Civil Rights Act of 1964

Count V. Breach of Contract

Count VI. Retaliation under Title VII

Count VII. Retaliation under the Whistleblower Protection Act

- 31.** As a result of these violations, Defendant's conduct proximately caused

 - a. lost wages
 - b. lost value in being denied doctorate degree
 - c. inconvenience
 - d. mental anguish
 - e. lost benefit of the contractual bargain

Jury Demand

32. Plaintiff demands a trial by jury on all issues triable as of right by a jury.

PRAYER

33. Plaintiff respectfully prays that the Court award judgment in favor of Plaintiff for violation of Plaintiff's rights and that the Court award the following:

- a. actual and consequential damages, plus interest
- b. attorney's fees and costs of court
- c. all other relief that justice may require

Respectfully submitted,

The Bozeman Law Firm

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